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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SEVEN

In re J.C.,  
  
a Person Coming Under the Juvenile  
Court Law.

B209695

(Los Angeles County  
Super. Ct. No. JJ15996)

THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
J.C.,  
  
Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, S. Robert Ambrose, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Tonja R. Torres, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Keith H. Borjon and Sharlene A. Honnaka, Deputy Attorneys General, for Plaintiff and Respondent.

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## INTRODUCTION

The minor J.C. was declared a ward of the court and placed home on probation. On appeal she contends the minute order of the disposition hearing is inconsistent with the oral pronouncement of judgment. We agree and order the minute order corrected.

## FACTS

The minor, then 16 years old, attacked a female family friend, repeatedly hitting her face with closed fists and breaking her nose. After a contested jurisdiction hearing, the juvenile court found the minor had committed aggravated assault (Pen. Code, § 245, subd. (a)(1)) and had personally inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)) on the victim, and declared the offense to be a felony. The court adjudicated the minor a ward of the court (Welf. & Inst. Code, § 602)<sup>1</sup> and placed her home on probation.

## DISCUSSION

The juvenile court did not orally pronounce a maximum term of confinement. However, the minute order of the July 8, 2008 disposition hearing reads, “Minor may not be held in physical confinement for a period to exceed **seven years**.”

Section 726, subdivision (c), provides: “If the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code, unless otherwise stated.

the minor under the jurisdiction of the juvenile court.” “‘Physical confinement’ means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.” (§ 726, subd. (c).) “By its express terms, however, section 726[, subdivision] (c) applies only ‘[i]f the minor is removed from the physical custody of his or her parent or guardian . . . .’” (*In re Ali A.* (2006) 139 Cal.App.4th 569, 573.)

Because the juvenile court did not orally fix a maximum term of confinement, and was not required to do so by statute, we order the disposition minute order be modified to delete it. Because the minute order does not accurately reflect the oral pronouncement of judgment, it must be corrected. (*People v. Mesa* (1975) 14 Cal.3d 466, 471; *People v. Zackery* (2007) 147 Cal.App.4th 380, 385-386.)

It is true, as the People maintain, in *Ali A.* the appellate court concluded an order setting a maximum term of confinement has no legal effect where the minor is placed home on probation. (*In re Ali A.*, *supra*, 139 Cal.App.4th at pp. 572-574.) However, unlike *Ali A.*, the juvenile court in the present case never determined a maximum term of confinement, so the minute order entry was not authorized and must be deleted.

## **DISPOSITION**

The seven-year period of maximum confinement set forth in the July 8, 2008 minute order is ordered stricken. In all other respects, the judgment is affirmed.

JACKSON, J.

We concur:

PERLUSS, P. J.

WOODS, J.